

ESTTA Tracking number: **ESTTA513383**

Filing date: **12/28/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Clarins Fragrance Group S.A.S.
Granted to Date of previous extension	12/30/2012
Address	4 rue Berteaux Dumas Neuilly-sur-Seine, 92200 FRANCE

Attorney information	Mary Catherine Merz Merz & Associates, P.C. 1010 Lake Street, Suite 400 Oak Park, IL 60301-1135 UNITED STATES docket@merz-law.com, jwidmer@merz-law.com Phone:708-383-8801
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Applicant Information

Application No	85576562	Publication date	07/03/2012
Opposition Filing Date	12/28/2012	Opposition Period Ends	12/30/2012
Applicant	Arbonne International, LLC 9400 Jeronimo Road Irvine, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Fragrances for personal use; Perfumes
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Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1843424	Application Date	02/16/1993
Registration Date	07/05/1994	Foreign Priority Date	NONE
Word Mark	ANGEL		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 003. First use: First Use: 1993/06/17 First Use In Commerce: 1993/06/17 perfume		
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U.S. Registration No.	3051023	Application Date	07/13/2004
Registration Date	01/24/2006	Foreign Priority Date	NONE
Word Mark	ANGEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: [Bleaching preparations and detergents for laundry use; general purpose cleaning, polishing and abrasive pastes, liquids and powders; degreasing preparations for household purposes;] face, body and hand soaps; perfumery, essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely, face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and body powders		

U.S. Registration No.	3680781	Application Date	03/27/2008
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	ANGEL SUNESSENCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2009/03/02 First Use In Commerce: 2009/04/00 Perfumary and thereto related perfumed products, namely, eau de toilette		

Attachments	79004618#TMSN.jpeg (1 page)(bytes) 77433043#TMSN.jpeg (1 page)(bytes) 22417.Notice of Opposition.pdf (5 pages)(29195 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mary Catherine Merz/
Name	Mary Catherine Merz
Date	12/28/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Application Serial No. 85/576,562
For: ARBONNE THE ANGEL
Filed: March 22, 2012
Date of Publication: July 3, 2012

CLARINS FRAGRANCE GROUP S.A.S.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
ARBONNE INTERNATIONAL, LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of U.S. Trademark Application Serial No. 85/576,562 ("Serial No. 85/576,562") for the mark ARBONNE THE ANGEL in International Class 3, filed in the name of Arbonne International, LLC ("Applicant"), which was published for opposition in the Official Gazette of July 3, 2012. Clarins Fragrance Group S.A.S. ("Clarins"), a corporation organized under the laws of France with its principal place of business at 4 Rue Berteaux Dumas, Neuilly-Sur-Seine, F-92200 France believes it will be damaged by the registration of the mark in Serial No. 85/576,562 and hereby opposes the same, in accordance with

Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, Clarins alleges as follows:

1. Upon information and belief, Applicant is a California limited liability company with a principal place of business at 9400 Jeronimo Road, Irvine, California 92618.

2. As evidenced by the publication of Serial No. 85/576,562 in the Official Gazette of July 3, 2012, Applicant seeks to register ARBONNE THE ANGEL ("Applicant's mark") in connection with "fragrances for personal use; perfumes" in International Class 3.

3. Upon information and belief, Applicant filed Serial No. 85/576,562 on March 22, 2012 under Section 1(b) of the Trademark Act, 15 U.S.C. §1051(b), based on an intent to use Applicant's mark in connection with the claimed goods in the application.

4. For at least 18 years prior to Applicant's filing date for Serial No. 85/576,562, Clarins adopted and continuously has used the mark ANGEL in connection with its goods sold in the United States.

5. Clarins is the owner of the following U.S. Trademark Registrations for its ANGEL mark (hereinafter the "ANGEL Marks"):

Registration No. 1,843,424 for ANGEL for "perfume" in Class 3, which is incontestable;

Registration No. 3,051,023 for ANGEL Stylized for "face, body and hand soaps; perfumery, essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely, face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and body powders" in Class 3, which is incontestable; and

Registration No. 3,680,781 for ANGEL SUNESSENCE for "perfumery and thereto related perfumed products, namely, eau de toilette" in Class 3.

6. The above-identified registrations are valid, subsisting, uncanceled and are evidence of Clarins' exclusive right to use ANGEL in commerce in connection with the goods specified in the registrations.

7. Clarins' use of the ANGEL Marks has not been abandoned. Clarins has sold a tremendous amount of its ANGEL-branded goods through retailers, including online retailers throughout the United States, and its goods are associated with the ANGEL Marks among customers and the relevant trade.

8. In addition to its registered trademark rights, Clarins owns non-registered statutory and common law rights in and to the ANGEL Marks in the United States.

9. Applicant has no license, consent or permission from Clarins to use or register ARBONNE THE ANGEL.

10. Applicant's proposed mark ARBONNE THE ANGEL so resembles the ANGEL Marks that it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section

2(d) of The Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly, Applicant's mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that the goods in Serial No. 85/576,562 originate with Clarins or otherwise are authorized, licensed or sponsored by Clarins.


11. By reason of all the foregoing, Clarins will be gravely damaged by the registration of Applicant's ARBONNE THE ANGEL mark for the goods in Serial No. 85/576,562, because registration of that mark would be in violation of Clarins' trademark rights.

WHEREFORE, Clarins prays that this Notice of Opposition be sustained in favor of Clarins and that Serial No. 85/576,562 be denied registration. Clarins submits herewith its payment of the \$300 filing fee, as required by 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

CLARINS FRAGRANCE GROUP S.A.S.

Date: December 28, 2012 By:


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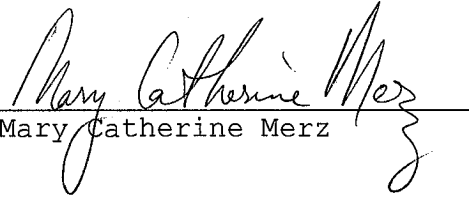
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on Applicant
by First Class Mail this December 28, 2012 addressed to:

Joel A. Kauth
Kauth, Pomeroy, Peck & Bailey LLP
2400 E. Katella Ave, Suite 1050
Anaheim, CA 92806

By:


Mary Catherine Merz